

Handwritten signature



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,933	05/01/2001	Barry Schwab	600-003	3650

7590 01/26/2006

Law Office of John Chupa & Associates, P.C.
28535 Orchard Lake Rd.
Suite 50
Farmington Hills, MI 48334

EXAMINER

DERWICH, KRISTIN M

ART UNIT PAPER NUMBER

2132

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/846,933	Applicant(s) SCHWAB, BARRY	
	Examiner Kristin Derwich	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's arguments/amendments with respect to amended claims 18-56 filed January 3, 2006, have been fully considered and are persuasive. The previous rejection has been withdrawn. However, after further search new prior art was discovered which necessitates a new grounds of rejection. The Examiner would like to point out that this action is made final (See MPEP 706.07a) based on the June 27, 2005 presentation of the claims. It is noted however that applicant's support does not encompass several features of the instant application and Houvener is not disqualified as prior art.

Claim Objections

The renumbering of the claims is acceptable, therefore the previous objections have been withdrawn

Claim Rejections - 35 USC § 112

Amendments to the claims in order to correct the previous informalities are acceptable, therefore the previous rejections have been withdrawn.

Claim Rejections - 35 USC § 102

1. Claims 18-24, 26-30, 32, (37 and 39-43 for ray) rejected under 35 U.S.C. 102(b) as being anticipated by Lu et al. (Lu), U.S. Patent Number 5,432,864.

Hereafter patent literature that is referenced as prior art will be cited by column and line number in the form of (column number:line number range). For example, the citation (6:23-27) refers to lines 23-27 of the 6th column in the reference.

As per claims 18:

Lu discloses a method for identifying an item comprising the steps of:

creating an image of said item (7:23-47, 10:1-16);

creating descriptive text of said item (10:1-16 wherein identification is descriptive text);

associating said descriptive text with said image (10:1-16); and

selectively using said image and said associated and descriptive text to identify said item (10:1-16).

As per claim 19:

Lu discloses a method wherein said item comprises an individual (10:1-16).

As per claim 20:

Houvener discloses a method of identifying an item comprising the steps of:

creating an image of said item (7:23-47);

creating a descriptive record of said item (7:48-66);

storing said created image and said descriptive record (7:48-66);

presenting a tangible object (fig. 3, item 30, 9:4-20);

displaying said previously stored image and said previously stored descriptive record in response to said presentment of said tangible object (9:4-20); and

Art Unit: 2132

using said previously stored image and previously stored descriptive record to identify said item (9:4-20).

As per claim 21:

Lu discloses a method wherein said item comprises an individual (10:1-16).

As per claim 22:

Lu discloses a method wherein said tangible object comprises a card having certain predetermined data (9:4-20).

As per claim 23:

Lu discloses a method wherein said step of using said previously stored image and said previously stored descriptive record to identify said item comprises the step of comparing said previously stored image with said individual and of comparing said previously stored descriptive record with said individual (9:4-45).

As per claim 24:

Lu discloses a method further comprising the step of allowing said individual to perform some predetermined action only if said individual has been identified (9:46-64).

As per claim 26:

Lu discloses a method wherein said predetermined action comprises performing a retail transaction (9:46-64).

As per claim 27:

Lu discloses a method wherein said predetermined action comprises performing a financial transaction (9:46-64).

As per claim 28:

Art Unit: 2132

Lu discloses a method wherein said created image is stored within a first database (6:59-63) and wherein said descriptive record is stored within a second database (8:61-9:2).

As per claim 29:

Lu discloses a method wherein said descriptive record is stored within a database and wherein said created image is stored as a separate file (8:22-49).

2. Claims 30, 32, 37 and 39-43 rejected under 35 U.S.C. 102(b) as being anticipated by Ray et al. (Ray), U.S. Patent Number 5,321,751

As per claim 30:

Ray discloses a method for identifying an item, said method comprising the steps of:

creating an image of said item (4:8-21);

compressing said created image (3:67-68, 4:30-33);

storing said compressed image and created image(4:19-26);

creating text (4:52-58);

storing said created text (4:52-58);

associating said created text with said stored and compressed image (4:52-58);

selectively downloading said stored and compressed image (4:27-30);

decompressing said downloaded image (3:67-68);

displaying said downloaded and decompressed image and said associated text (4:27-66);

and

using said displayed decompressed image and said associated text to identify said item (4:27-66).

Art Unit: 2132

As per claim 29:

Ray discloses a method wherein said item comprises an individual (4:8-21).

As per claim 35:

Ray discloses a method of selectively identifying an item which can be used to identify a plurality of items. Therefore, it would be obvious to utilize the method of Ray a plurality of times for a plurality of items, hence each of these limitations have been met previously since each limitation in the previous claims could be applied to a plurality of items.

As per claim 36:

Ray discloses a method wherein said plurality of items comprises a plurality of individuals (2:26-35).

As per claim 37:

Houvener discloses a method for determining whether to allow a secure financial transaction to occur said method comprising the steps of:

creating an image comprising at least one unique characteristic of an entity (4:8-21);

creating textual information (4:52-58);

associating said created textual information with said created image (4:52-58);

uploading, to at least one database, said created image and said created textual information (5:16-34);

retrieving said created image and said created textual information by use of received information from said entity (4:27-66);

displaying at least a portion of said received image and textual information, thereby creating a display (4:27-66);

Art Unit: 2132

performing a visual comparison of said display with said entity (4:27-66); and
determining whether to allow said financial transaction to occur by use of said
visual comparison and said textual information (4:27-5:3).

As per claim 38:

Ray discloses a method wherein said visual comparison comprises the steps of:
ascertaining at least one physical characteristic of said entity (4:27-66); and
comparing said ascertained at least one physical characteristic with said image (4:27-66).

As per claim 39:

Ray discloses a method wherein said entity comprises a human being (4:8-21).

As per claim 40:

Ray discloses a method wherein said step of displaying said at least one portion of said
received data occurs remotely from said database (5:16-34).

As per claim 41:

Ray discloses a method further comprising the steps of:
providing a terminal (4:27-30); and
coupling said terminal to said database by use of a private connection (4:62-66).

As per claim 42:

Ray discloses a method further comprising the steps of:
providing a terminal (4:27-30); and
coupling said terminal to said database by use of a public connection (5:16-34).

As per claim 43:

Ray discloses a method further comprising the steps of:

Art Unit: 2132

providing a credential (2:36-63);
reviewing said credential (2:36-63); and
allowing said created image and said created textual information to be retrieved
only upon review of said credential (2:36-63).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Lu as applied to
claim 24 and further in view of Nama, U.S. Patent No. 4,991,008.

As per claim 25:

Lu fails to disclose a method wherein said predetermined action comprises using an
automated teller machine. However, Nama substantially teaches utilizing an automated teller
machine (4:25-28).

It would have been obvious to one of ordinary skill in the art at the time of applicant's
invention to combine the invention of Lu to the invention Nama because Nama would increase
the security of a financial transaction occurring at the ATM since it would give another
alternative to depending only on readability and visual authentication and verification that is
needed in Houvener (3:23-28).

Art Unit: 2132

4. Claims 31, 33, 44 and 45 rejected under 35 U.S.C. 103(a) as being unpatentable over Ray as applied to claim 30 and 43 above, and further in view of Belluci et al. (Belluci), U.S. Patent No. 5,505,494.

As per claim 31:

Ray fails to disclose a method wherein said decompressed image and said associated text are concurrently displayed. However, Belluci teaches a method wherein both photographic and textual and encoded data can be regenerated on a computer screen at the same time (2:31-35).

As per claim 33:

Ray fails to disclose a method wherein said step of associating said text with said image comprises the step of placing a certain image identification tag within said text. However, Belluci teaches a method wherein the image is encoded and placed elsewhere on the identification card (2:19-23).

As per claim 44:

Ray fails to disclose a method wherein said credential comprises a token. However, Belluci teaches an identification card for user authentication which functions as a token (2:19-21).

As per claim 45:

Ray discloses a method further comprising the step of creating copies of an image (9:25-36 wherein the DMV images are copied).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the inventions of Ray and Belluci because this eliminates the sole dependability on a human verification of the image and textual information. If the person

Art Unit: 2132

verifying is corrupt then the system is no longer secure, therefore, Belluci would allow for the images to be machine readable and verifiable thus increasing the security of the system as a whole (2:10-18).

5. Claim 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Ray as applied to claim 30 above and further in view of Bij nagte, U.S. Patent No. 5,235,680.

As per claim 34:

Ray fails to disclose a method wherein said item composes a product. However, Bij nagte teaches a method wherein the item is a house in a real estate database (2:55-60).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the inventions of Ray and Bij nagte because Ray's invention applied to properly identifying a person and it would be obvious to apply this to properly identifying something such as a house because this would prevent people from putting up tampered pictures of a house in order to increase or decrease interest in the property.

6. Claims 46-51, 55 and 56 rejected under 35 U.S.C. 103(a) as being unpatentable over Bij nagte, (U.S. 5,235,680) in view of Belluci, (U.S. 5,505,494).

As per claim 46:

Bij nagte substantially teaches a method for effectuating a transaction, said method comprising the steps of:

creating a plurality of characteristics, of a plurality of items (col 13 wherein the address, number of bedrooms and bathrooms, etc are a plurality of characteristics of a plurality of houses);

Art Unit: 2132

associating each of said plurality of characteristics with a unique one of said plurality of items (image at col. 67 shows the characteristics representing one house);

creating a plurality of images of each of said plurality of items (3:34-39);

associating each of said plurality of images with a unique one of said plurality of items (3:43-46);

storing said created plurality of characteristics and said created plurality of images within at least one database (3:46-57);

selecting a predetermined one of said plurality of images and the characteristic which has been previously associated with said predetermined one of said plurality of images (3:34-36);

Bijnagte fails to teach a method that provides for the recognition of an identification object and in response to said recognition of said identification object, determining whether to allow said transaction to be effectuated by use of said provided image and said associated characteristic. However, Belluci discloses an identification card and when it is recognized by the computer this authenticates the holder of the card (2:10-18).

As per claim 47:

Bijnagte and Belluci substantially teach the method as applied to claim 43 above. In addition, Belluci discloses a method wherein said identification object comprises a token (2:19-24 wherein the identification card functions as a token).

As per claim 48:

Bijnagte and Belluci substantially teach the method as applied to claim 43 above. Belluci further discloses a method wherein said identification object comprises an identification card (2:19-24).

Art Unit: 2132

As per claim 49:

Bijnagte and Belluci substantially teach the method as applied to claim 43 above.

Bijnagte discloses a method further comprising the step of printing said provided image after said transaction has been effectuated (col. 77, 3rd-5th paragraph, this shows that the image can be printed at any time).

As per claim 50:

Bijnagte and Belluci substantially teach the method as applied to claim 43 above.

Bijnagte discloses a method further comprising the step of printing said provided image before said transaction has been effectuated (col. 77, 3rd-5th paragraph, this shows that the image can be printed at any time).

As per claim 51:

Bijnagte and Belluci substantially teach the method as applied to claim 43 above.

Bijnagte further discloses a method wherein said plurality of images is stored in a first database and wherein said plurality of characteristics is stored in a second database (4:7-11).

As per claim 55:

Bijnagte and Belluci substantially teach the method as applied to claim 43 above.

Bijnagte further discloses a method wherein said transaction comprises an auction (4:29-32 wherein the online listings of houses are similar to an auction in that people bid on the houses and highest bidder can buy the house).

As per claim 56:

Bijnagte and Belluci substantially teach the method as applied to claim 43 above.

Bijnagte further discloses a method wherein each of said plurality of images may be selectively

Art Unit: 2132

associated with a plurality of items (4:32-37 wherein the various views can be associated with the plurality of images).

7. Claims 52, 53 and 55 rejected under 35 U.S.C. 103(a) as being unpatentable over Bij nagte in view of Belluci as applied to claim 46 above, and further in view of Houvener (5,657,389).

As per claim 52:

Bij nagte and Nama substantially teach the method as applied to claim 43 above.

Houvener further discloses a method wherein said plurality of images are compressed (6:41-48).

As per claim 53:

Bij nagte and Nama substantially teach the method as applied to claim 43 above.

Houvener further discloses a method wherein said plurality of images are stored in a first format and displayed in a second format (6:41-48 wherein the images are stored in the compressed format and displayed in the decompressed format).

As per claim 55:

Bij nagte and Nama substantially teach the method as applied to claim 43 above.

Houvener further discloses a method wherein said transaction comprises a financial transaction (4:39-41).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine Bij nagte and Belluci with Houvener because this eliminates the sole dependability on a human verification of the image and textual information. If the person verifying is corrupt then the system is no longer secure, therefore, Belluci would allow for the images to be machine readable and verifiable thus increasing the security of the system as a

Art Unit: 2132

whole (2:10-18). In addition, the security offered by Houvener and Belluci would eliminate the possibility of hackers entering false and tampered images of property in order to increase or decrease the marketability of a given house.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin Derwich whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

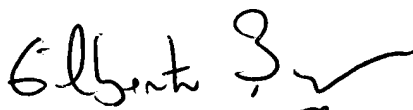
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2132

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristin Derwich
Examiner
Art Unit 2132


KMD


GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100